

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

Folder Number: 15260-0062
 Requisition/PD# N0038315X2569

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Taylor E. Adams		N9821.53	
Item Manager's Name	Extension		Code
David Stemen		N98214.02	
Technician's Name	Extension		Code
Michelle Toughill	Extension	N761.02	
Buyer's Name			Code

1. **CONTRACTING ACTIVITY:** NAVSUP WSS Philadelphia NAVSUP WSS Mechanicsburg

2. **DESCRIPTION OF THE ACTION BEING APPROVED:** Negotiation and award of a contract through other than full and open competition.

3. **DESCRIPTION OF SUPPLIES/SERVICES:** This J&A covers the acquisition of the following article(s):

Normen: Spray Bar, Main	Quantity:	
NSN: 1RM 2840 01-443-4126 SY	CAGE Code:	99207
P/N: 5103T22P03	Unit Price:	

The required delivery date is [redacted] Estimated Value (include option) [redacted] option: YES NO % [redacted] Days [redacted]

Ship To [redacted]

Line of Accounting [redacted]

4. **STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION:** This J&A is based upon the authority of 10 USC 2304(c)(1), one source or limited sources, as implemented by FAR 6.302-1.

5. **RATIONALE JUSTIFYING USE OF CITED STATUTORY AUTHORITY:**

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AMC 2. Suitable for competitive acquisition for the first time.

AMSC B. This part must be acquired from a manufacturing source(s) specified on a source control or selected item drawing as defined by the current version of DoD-STD-100. Suitable technical data, Government data rights, or manufacturing knowledge are not available to permit acquisition from other sources, nor qualification testing of another part, nor use of a second source part in the intended application. Data review discloses that required data or data rights are not in Government possession and cannot be economically obtained.

This acquisition will be negotiated with: GE (99207), PARKER HANNIFIN CORP (09523)

Full and open competition is not possible for this procurement because the Government has only "limited rights" in the technical data. Material is GE Source Controlled/Supplier Interface to Parker Hannifin Corp, Critical Safety Item (CSI) and requires OEM Vendor Substantiation Engineering (VSE) approval. The government has the right to use and disseminate the data internally, but lacks the right to distribute that data outside the government to conduct full and open competition among other potential offerers."

6. DESCRIPTION OF EFFORTS MADE TO SOLICIT OFFERS FROM AS MANY OFFERORS AS PRACTICABLE: The proposed contract action was synopsised and included a Sources Sought Notice on the FedBizOpps website for government-wide point of entry on

and as a result:

Market Research was conducted in accordance with FAR part 10. The results of the Market Research conducted (or the reason market research was not conducted) is as follows:

The NAVSUP Weapon Systems Support (WSS) Source Development Department has conducted a market research per the market research document. The AMC/AMSC is "2B", the subject Main Spray Bar must be acquired from a manufacturing source(s) specified on the source control or selected item drawing as defined by the current version of DoD-STD-100. Suitable technical data, Government data rights, or manufacturing knowledge are not available to permit acquisition from other sources, nor qualification testing of another part, nor use of a second source part in the intended application. Data review discloses that required data or data rights are not in Government possession and cannot be economically obtained. At this time no other facilities have the expertise, facilities or the test equipment necessary to manufacture the subject item other than General Electric (99207) and Parker Hannifin Corporation (09523). The government does not possess the manufacturing data necessary to support full and open competition. No other sources have expressed an interest in manufacturing the subject item to the Source Development Department. Additional sources must obtain engineering source approval prior to contract award. To promote competition the NAVSUP (WSS) will continue to encourage manufacturers with the expertise to manufacture the subject item to submit a complete technical data package for review and source approval by the appropriate engineering source approval authority General Electric (99207). Also future requirements will be advertised in the FedBizOpps website (www.fedbizopps.gov) in order to encourage potential suppliers to submit Source Approval Requests.

7. DETERMINATION OF FAIR AND REASONABLE COST: The contracting officer determines that the anticipated cost to the Government of the supplies covered by this J&A will be fair and reasonable.

8. ACTIONS TO REMOVE BARRIERS TO FUTURE COMPETITION:

As stated above in Paragraph (5) & (6), the government does not and cannot obtain the technical data, data rights, or manufacturing knowledge to permit acquisition from other sources, nor qualification testing of another part, nor use of a second source part in the intended application. To promote competition the NAVSUP WSS will continue to encourage manufacturers with the expertise to manufacture the subject item to submit a complete technical data package for review and source approval by the appropriate engineering source approval authority General Electric (99207). Also future requirements will be advertised in the FedBizOpps website (www.fedbizopps.gov) in order to encourage potential suppliers to submit Source Approval Requests. If another potential manufacturing source emerges, NAVSUP WSS will assess whether competition for future requirements is feasible.

9. REFERENCE TO THE APPROVED ACQUISITION PLAN:

A Formal Acquisition Plan/Pre-Solicitation Strategy Form is required for this acquisition.